

Minutes of the Planning Commission meeting held on Thursday, May 19, 2011, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Tim Taylor, Chair
Karen Daniels, Vice-Chair
Sheri Van Bibber
Jim Harland
Jeff Evans
Ray Black
Tim Tingey, Community & Economic Development Director
Chad Wilkinson, Community Development Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Kurtis Aoki

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Mr. Taylor opened the meeting and welcomed those present.

APPROVAL OF MINUTES

Jeff Evans made a motion to approve the minutes of April 21, 2011 and May 5, 2011 as written. Seconded by Karen Daniels.

A voice vote was made. Motion passed, 6-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Jeff Evans made a motion to approve the Findings of Fact for Conditional Use Permit for Online Auto Sales from the May 5, 2011 meeting. Seconded by Jim Harland.

A voice vote was made. Motion passed, 6-0.

INTERMOUNTAIN HEALTH CARE – 6218, 6244, 6270, 6272, 6274, 6282 S. Highland Drive & 1962 E. Jeremy Drive – Project #11-41

Julie Barreth was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for site plan approval for a new medical clinic building. Municipal Code Ordinance 17.156.020 allows medical clinics within the C-N-C zoning district subject to site plan approval. Municipal Code Ordinance 17.156.070 requires site plan and architectural plan review and approval by the Planning Commission for all main new buildings and structures. The proposal is for a new 35,122 square foot medical clinic building to be constructed within the C-N-C (commercial neighborhood) zone. The structure will be two stories and will be a

maximum of 35 feet high. The use of the building will include InstaCare, internal medicine, podiatry, lab, imaging, pediatrics, physical therapy, and sub-specialties. A traffic study has been provided and has been reviewed by the City Engineer. He is waiting for UDOT to respond back regarding the access approval and permits for Highland Drive. A solid masonry wall and buffer landscaping will need to be installed where the property abuts residential zones, and the frontage landscaping shall be installed to meet zoning requirements adjoining all street frontages. A landscaping plan has been submitted for review by the Murray City Forester. The plan shows parking areas located to the north, south and west side of the new IHC building. The information provided by the applicant shows 150 parking stalls on site, and 6 disabled stalls, based on a net square footage of 30,000 square feet, which meets the parking requirements based on a net of 5 parking stalls per 1,000 square feet. The location of the building meets the required setbacks, but the properties will need to be combined so that the building will not be located over property boundary lines. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Tim Taylor asked if the parcel on the southwest corner of 6200 South Highland Drive will remain undeveloped or be built on in the future. Mr. Wilkinson deferred this question to the applicant and indicated that the parcel is to remain vacant with perimeter landscaping to meet code. If it is developed in the future it will require site plan approval.

Julie Barreth, architect with Architectural Nexus for IHC, 2505 Parleys Way, Salt Lake City, 84109. Ms. Barreth indicated she has not reviewed the staff recommendations. She took a few moments to review the staff report and indicated that they will comply with the recommendations of approval. She stated the southerly properties are not being developed at this time, but they wish to have the curb cuts as shown on the site plan to be approved for future development. The location of the curb cuts is currently being reviewed by UDOT with indications that they will be approved. Ms. Barreth stated one end of the building will be an InstaCare, which will have its own entrance but still be connected to the rest of the building. She said that the majority of people visiting a physician would use another entrance.

Katherine Boswell, 6336 South Seville Drive, stated she is a resident of the Monte Cristo condominiums and is representing the home owners association. She thanked the Planning Commission and IHC for their sensitivity regarding this proposal. She stated that several months ago at the rezoning hearing she expressed concerns and that those issues have been resolved. She stated the south side of the property is adjacent to the entrance into the condominium units, and indicated the desire to have this area well landscaped and not used in a fashion that would have negative impacts on their property. She stated that there is a small irrigation ditch that runs north-south along the west boundary. She stated about 10 years ago someone turned on the irrigation water and because the ditch had not been maintained, several of the homes along Granada Drive were flooded. She asked that the irrigation ditch issues be handled in a fashion so as not to create flooding problems, and that the parking lot be graded in a way that water runoff is well contained. She asked if there will be an attractive fence that will block the IHC parking lot from their condominiums.

Robert Meier, 1960 East Jeremy Drive, stated his property is adjacent to the west of this site. Mr. Meier expressed concern about a roadway intersecting the south portion of this development and the Monte Cristo condominiums, stating that this roadway drains into his property. He expressed concern with the grading of this new development and potential flooding issues.

Tim Taylor asked if it would be appropriate for the residents to discuss their drainage issues with the city engineering department. Mr. Wilkinson responded that the citizens are welcome to contact Scott Stanger, City Engineer, regarding drainage concerns. He stated that condition #7 requires a drainage plan for IHC, but that IHC is not responsible for correcting drainage problems off of their property.

Scott Starley, 1930 East Jeremy Drive, asked about the wall that abuts Robert Meiers's property and asked that it be an aesthetically pleasing wall and not just a CMU wall. He expressed concern about the lighting in the west parking lot being intrusive into the residential neighborhoods.

Dave Anderson, 1911 East Jeremy Drive, expressed concern about the lighting and also about the access onto Jeremy Drive and whether it will be utilized by this IHC development. Mr. Taylor responded that the site plan does not show an access onto Jeremy Drive. He stated that in the future if the southerly portion of property is developed, it will go through a similar process as this application.

Earl Barnes, 6279 Granada Drive, expressed concern for the south portion of property that is not being developed at this time. He stated this property has a terrible rodent problem and asked if the landscaping could be installed soon to help eradicate the rodents.

Julie Barreth indicated that the IHC wishes to be good neighbors and that the light fixtures have a cut off so as not to intrude onto the residential neighbors. She stated their electrical engineer will be doing work light studies that show levels of foot candles on the site and there will be a document that will indicate that those considerations have been met. Ms. Barreth stated the environmental concern about the night sky and keeping it dark so as to see the stars at night, and said that their light fixtures will not have an upward component.

Ms. Barreth stated there is not an intention to utilize an access from Jeremy Drive. She stated that IHC will not want to have a rodent problem on the property and appreciated receiving this information. She stated that when the existing structures are demolished, the rodent problem may temporarily get worse before it can get better. She stated that there will be a detention pond on the property and water from the parking lot will collect at the pond and other areas will be drained through the storm sewer system. She said that all of their water will be retained with the exception of the .2 cfm per second that they are allowed to drain into the storm sewer system. She stated the intention is to meet current grades at the perimeter of the property and if there is a drainage problem at the perimeter it would be wise to resolve that issue. She stated they are not aware of any off-site problems with drainage and they are not addressing any off-site problems.

Ms. Barreth stated that the current plan is to have a 6-foot high CMU fence. She deferred this issue to Steve Kelly, architect for Intermountain Health Care. She stated the south portion of property is to be graded and have a soil erosion seed mix that does not require water consumption and irrigation, and will make the property more attractive.

Tim Taylor asked about the irrigation ditch issue as expressed by the residents. Ms. Barreth stated that the various existing easements will be mitigated and their civil engineer is working on these issues. This will be a condition of approval through the permitting process.

Steve Kelly, 36 South State Street, Salt Lake City, stated he is the architect for Intermountain Health Care. Mr. Kelly indicated the perimeter fencing is planned for a solid fence along the south property and the majority of the westerly area adjacent to the condominiums. There is an existing vinyl or wood fence in this area and they felt a solid fence would help to obscure that. Chad Wilkinson indicated that the city code requires that there be a solid masonry wall adjacent to the resident zoning, and that a CMU fence qualifies for that requirement.

Jim Harland commented that the majority of the building will be closing by 6 p.m. and that InstaCare closes at 9 p.m. and lighting will be minimal during the nighttime hours. The east face of the building will be lighted during the night with decorative lighting. He stated that parking lot lights are typically left on until 11 p.m. for safety reasons and there will be occupancy sensors on the lot so that if anyone does come onto the lot during the nighttime the lights will turn on.

A comment was made that there is subtle lighting in the existing fencing and that the new fence be similar.

Scott Starley, 1930 East Jeremy Drive, commented that the irrigation ditch runs along the south property line, then along the west property line and turns south through Robert Meier's property and terminates into his property. He stated that he has the key to the gate valve which is on the corner of the 7-11 on Highland Drive. He stated that if the gate valve is open, the property will flood. He stated that they lost their water shares last year and have negotiated with Salt Lake County to still give them water share credits, but they no longer get to utilize the access of the ditch. He asked if the gates can be permanently locked in the event that vandalism occurs on the gates which has caused flooding in the past.

Ray Black made a motion to grant site plan approval for Intermountain Health Care clinic building for the properties addressed 6218, 6244, 6270, 6272, 6274, 6282 S. Highland Drive & 1962 E. Jeremy Drive subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City

Forester and installed as approved prior to occupancy. The buffer landscaping will need to be installed adjoining all residential zones. A plan for landscaping will need to be approved by the City forester on the areas of the property noted for future development and maintained so it will not be a large area overgrown with weeds. All areas of the property that adjoins street frontage shall be landscaped to meet code including landscaping the park strip areas.

4. All trash containers shall be screened as required by Section 17.76.170.
5. A traffic study will need to be approved by the Murray City Engineer and comply with the recommendations of the City Engineer and Planning Commission.
6. The properties shall be combined into one parcel of property and be recorded at Salt Lake County Recorders' office so that the building will not cross over boundary lines and meet the setback requirements.
7. Meet the requirements of the Murray City Engineer for a formal drainage plan, LDP permit, install curb, gutter and sidewalk on all the street frontages and approval by UDOT for the drive accesses.
8. Meet all Murray Power Department and Water and Sewer Department requirements.
9. All of the parking stalls, including disabled stalls with signs posted, shall be paved and striped to meet Municipal Code Chapter 17.72.
10. All fencing shall be installed to meet zoning regulations.
11. Exterior lighting shall be shielded and be directed down and away from the residential zones.

Seconded by Karen Daniels.

Call vote recorded by Chad Wilkinson.

A _____ Mr. Black
A _____ Mr. Harland
A _____ Mr. Taylor
A _____ Ms. Van Bibber
A _____ Mr. Evans
A _____ Ms. Daniels

Motion passed, 6-0.

EXTRA SPACE STORAGE – 6330 South 300 West – Project #11-37

Richard Gilles and Mark Jackson were the applicants present to represent this request. Chad Wilkinson reviewed the location and request for Conditional Use

Permit approval for an electronic message sign for the storage units at the property addressed 6330 South 300 West. Municipal Code Ordinance 17.48.200 allows an electronic message center sign within the M-G-C zoning district subject to Conditional Use Permit approval. The proposed sign will be 35 feet high. The electronic message sign size will be 4 ft. high by 16 ft. 10 inches wide. The sign will be located at the north side of the property adjacent to I-215. Based on the information presented in this report, applications materials submitted and the site review, staff recommends approval subject to conditions.

Karen Daniels asked if this proposed sign will be replacing the existing sign. Mr. Wilkinson responded in the affirmative. He state the bottom portion of the sign will be for the electronic message center.

Richard Gilles, 1760 South Redwood Road, stated he is representing Gilles Signs which will be installing the sign. Mr. Gilles indicated he has reviewed the staff recommendation and will comply.

Mark Jackson, 2220 San Jancinto Blvd, Suite 365, Denton, Texas, stated he is representing U S Signs, who will manufacture the sign.

No comments were made by the public.

Jeff Evans asked if the sign will have video imagining capability. Mark Jackson responded that this sign is not a video type sign and is only intended for text. He said the sign will not scroll quickly and will adhere to the rules regarding the display time of messages.

Jim Harland made a motion to approve a Conditional Use Permit for an electronic message sign at the property addressed 6330 South 300 West, for Extra Space Storage, subject to conditions:

1. The project shall meet all applicable building code standards and permit requirements.
2. The project shall meet all sign code requirements for electronic message center signs.

Seconded by Sheri Van Bibber.

Call vote recorded by Chad Wilkinson.

A _____ Mr. Black
A _____ Mr. Harland
A _____ Mr. Taylor
A _____ Ms. Van Bibber
A _____ Mr. Evans
A _____ Ms. Daniels

Motion passed, 6-0.

ATLAS TRAVEL QUEST – 32 West Winchester Street, Suite 200 – Project #11-40

Seth Pratt was the applicant present to represent this request. Chad Wilkinson reviewed this location and request for a Conditional Use Permit to locate a travel agency inside the existing office building at this address. He said that the property is in the G-O zone, which allows for travel agencies as a conditional use. He stated that the site requires a solid screen trash enclosure with a gate. Mr. Wilkinson said that there are two parcels here and the boundary line runs through the existing building. One of the conditions recommended by staff relates to combining the parcels into one lot and having it recorded at the Salt Lake County Recorder's office. He stated that a previous requirement at this site was for concrete curbing surrounding the landscaped areas, but this was never completed and will now have to be finished in order to bring the site into compliance with code. Mr. Wilkinson said that staff is recommending approval of this request.

Ray Black asked why the curbing was never installed. Mr. Wilkinson said that it is difficult to determine why it was not completed because it was a requirement at the time the building was constructed. He said that the process for obtaining a Conditional Use Permit helps to identify when a site needs to be brought into compliance. Jim Harland asked if it is supposed to be a raised curb. Mr. Wilkinson responded that the code requires a 6-inch curb to direct storm water drainage and also protect the landscape from vehicles. Mr. Harland asked if backfill would need to be added to make the landscape area equal the height of the curb. Mr. Wilkinson said that typically landscape is at equal height, but he doesn't think it's necessarily a requirement of the code. Jeff Evans stated that Mr. Black's question makes him wonder how many required conditions are not complied with. Mr. Wilkinson said that it is unusual to see a site that does not have the curbing installed.

Seth Pratt, 32 West Winchester, stated that he has not seen the staff report and conditions recommended by staff. He said that he is one of the travel agents, and that the building owner is out of town. Mr. Taylor advised Mr. Pratt that the Conditional Use Permit cannot be issued until these items are complete. Ms. Van Bibber asked how long the travel agency business has been located at this property. Mr. Pratt responded that they have been there for over a year, but just recently moved to a different suite. Mr. Pratt asked if there are any concerns about the travel agency locating in the building once the conditions are met. Commission members responded that a travel agency is a conditioned use and no concerns were voiced.

There were no comments from the public related to this item.

Mr. Harland asked if Wayne Larsen is the building owner. Mr. Pratt said that he is not the owner. Mr. Black stated that the current owner is Duy Tran.

Sheri Van Bibber made a motion to approve a Conditional Use Permit to locate a travel agency inside the existing office building at 32 West Winchester Street, #200, subject to conditions:

1. The project shall meet all applicable building code standards.
2. The property shall meet all current fire codes.

3. Poured concrete curbing shall be installed around the landscaping to meet zoning requirements of Municipal Code 17.68 prior to business license approval.
4. The trash container shall be screened with solid gates as required by Section 17.76.170 prior to business license approval.
5. The two parcels of property shall be combined into one lot and be recorded at Salt Lake County Recorder's office prior to business license approval.
6. One of the parking stalls will need to be paved and striped with sign posted for a 16-foot wide van accessible parking stall.

Seconded by Karen Daniels.

Call vote recorded by Chad Wilkinson.

A _____ Mr. Black
A _____ Mr. Harland
A _____ Mr. Taylor
A _____ Ms. Van Bibber
A _____ Mr. Evans
A _____ Ms. Daniels

Motion passed, 6-0.

COSTCO – 5201 South Intermountain Drive – Project #11-42

Angelo Bologna was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for an above ground fuel tank for the property at 5201 South Intermountain Drive. He said that IHC Health Services is the property owner. He stated that there have been two previous applications for underground tanks at this location, and that now the proposal is for an above ground fuel tank. He said that this property is located in the C-D-C zone, and is within the Smelter Site Overlay District. Mr. Wilkinson said that there is an existing shed near the fueling area at Costco that has a seat for the attendant and some storage space. The tank will take up one parking stall and will have bollards installed around it to prevent cars from backing into it. He stated that there is some mature landscape along State Street that will provide some screening of the tank. Mr. Wilkinson said that staff is recommending approval of this proposal, and reiterated that the applicant will have to comply with the requirements of the Smelter Site Overlay District.

Karen Daniels stated that the rendering of the tank was not what she expected it to look like. Mr. Harland asked if the bollards have to be red. Mr. Wilkinson deferred answering to the applicant. Tim Taylor asked if there is an option to specify certain colors or tones in order to avoid bright colors on the tank. Mr. Wilkinson said that the Planning Commission does have the discretion to add conditions to mitigate the impact of conditional uses.

Angelo Bologna with Barghausen Consulting Engineers, 18215 72nd Avenue, Kent, Washington stated that he is present to represent Costco and answer any questions that the Commission may have. Mr. Taylor asked if Mr. Bologna had reviewed the conditions recommended by staff. Mr. Bologna confirmed that he has reviewed the conditions and will comply with them. Mr. Bologna provided a sample of the color for the tank and said that it will match the tone of the existing building. He said that underground tanks have significant impacts on the soil, and the above ground tank will have minimal impact.

Ray Black asked about the height of the tank. Mr. Bologna responded that it will be approximately 5 feet high and the width of a single parking stall. He said that there is a vent stack, however there is substantial landscape behind it. Mr. Black said that it doesn't seem to be a very intrusive tank. Mr. Taylor asked why the tank isn't being located next to the electrical boxes. Mr. Bologna said that there must be a safe distance from the electrical box because the liquid in the tank is flammable. He said that the reason the tank location has been moved numerous times is due to utility placement. Ms. Van Bibber asked how the tank will be filled. Mr. Bologna said that a truck will fill the tank, and the fuel attendant will then dispense the fuel into the underground tanks using a fuel caddy.

There were no comments from the public related to this item.

Karen Daniels made a motion to approve the Conditional Use Permit Amendment for an above ground fuel tank for the property addressed 5201 South Intermountain Drive, subject to conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. Provide revised stamped and sealed plans for review and approval (revision to permit #10-581).
4. Prior to issuance of the building permit, apply for and complete all applicable requirements of the Smelter Site Overlay District Development Permit Application.
5. The overall site shall meet the requirements of Chapter 17.72 for parking stalls and aisle width with installation of the new facility.
6. The project shall meet the requirements of the Murray City Engineer for drainage.
7. Meet all Murray Power Department requirements.

Seconded by Sheri Van Bibber.

Call vote recorded by Chad Wilkinson.

A _____ Mr. Black

A _____ Mr. Harland

A _____ Mr. Taylor

A _____ Ms. Van Bibber

A _____ Mr. Evans
A _____ Ms. Daniels

Motion passed, 6-0.

OTHER BUSINESS

Tim Tingey stated that he thinks a good point was made pertaining to Conditional Use Permit follow up to ensure that conditions are being met. He said that prior to issuing a business license, an inspector checks to make sure the conditions are addressed. He stated that there have been times when the conditions are met at the time of business license inspection, and then modifications are made at a later time. Mr. Tingey said that staff recognizes the importance of the conditions, and have gone back to Conditional Use Permits approved several years ago to verify that the site is still in compliance. He said that the Enforcement Officer does site inspections through the winter months when he has a little more time to check the properties. He said that staff is taking steps to ensure that conditions are met. Jeff Evans stated that he asked the question so that he could understand the follow up process and that he doesn't doubt that staff is doing a good job. Mr. Taylor said that Mark Boren, the Ordinance Enforcement Officer, does a good job and that there is a lot to stay on top of. Mr. Tingey stated that the police department also has some Code Enforcement officers that work closely with our department.

Mr. Harland asked about the time line from when the Conditional Use Permit is approved to when the business license is issued. Mr. Tingey said that once the Findings of Fact are finalized, then a Conditional Use Permit is sent to the applicant with the conditions listed. Prior to business license approval, a copy of the Conditional Use Permit is given to the Enforcement Officer and he will inspect the site to make sure the conditions are met. If the conditions are not met, the business license will not be issued. Mr. Tingey said that his office does not issue the business licenses, but must sign off before the Recorder's Office issues them, as does the Fire Department and Building Department. Ms. Daniels voiced concern over the travel agency business that was present at this meeting, and the fact that they have been operating out of this location for over a year. Mr. Tingey said that often the process to obtain a Conditional Use Permit is prompted by an application for a business license. Chad Wilkinson stated that he is familiar with this particular business and that they have been operating without a business license for a number of months. Mr. Tingey stated that staff also receives reports from the state on sales tax, which is another way for the city to identify if there is a business that is not licensed. Mr. Taylor said that there is a lot of work to be done at this site to meet the conditions.

Meeting adjourned.

Tim Tingey, Director
Community and Economic Development